



State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

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August 31, 1999

Darin Olson
ECDC Environmental L.C.
1111 West Highway 123
P.O. Box 69
East Carbon, Utah 84520

Re: Updated Permit Information and Reply to July 27, 1999 Response Letter, ECDC Environmental, L.C., ECDC Clay Mine, M/015/062, Emery County, Utah

Dear Mr. Olson:

Thank you for your response letter and surface facilities map received by the Division on July 28, 1999. Your letter and map have addressed the first and third items in our June 14, 1999, letter requesting updated permit information. We have reviewed our files and discovered the answers to your questions, but we have also found additional issues which require clarification. We apologize for not bringing these additional issues to your attention earlier.

In the phone conversation of July 21, 1999 with Tony Gallegos of the Division, you described what you believed as the currently approved plan as a document titled "Mine Site Plan For Emery County Planning and Zoning, March 1993." According to Division files the approved mining and reclamation plan includes a document titled "Mine Site Plan for State of Utah, Division of Oil, Gas and Mining, March 1993" and a completed Notice of Intention to Commence Large Mining Operations received March 17, 1993. These documents are considered to be the currently approved large mine plan for the ECDC operations. The information contained in these documents, or lack thereof, is the basis for the Division's request for updated information. A copy of these documents is enclosed for your files.

Your response letter is correct in stating that Area 1 and Area 2 of the old Pagano mining disturbance have been officially released by the Division. The current ECDC reclamation surety and reclamation contract with the Division reference a total disturbed area of 17.6 acres. The Operation Plan section of the 1993 approved mine plan describes 18 acres of disturbance. The figure of 17.6 acres came from the survey in the legal description in Attachment A to the surety bond. The legal description described Areas 1, 2 and 3 for a combined area of 17.6 acres, more or less. That description described 3.8 acres of disturbance in Area 3 as being bonded. An amendment to the present surety will be required if the areas covered by that document are changed to reflect the present mine plan.

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The currently approved mine plan does not include a specific "permit area" boundary or "bonded area" other than the legal description. In theory, the current estimate of 11.7 acres of disturbance would mean ECDC could expand operations by 5.9 acres and remain under the current bonded area of 17.6 acres. The issue here is that the current legal description only identifies 3.8 acres of disturbance in Area 3 as being covered by the reclamation surety.

The Division generally defines the "permit area" as the entire area described by the approved mining and reclamation plan. The "disturbed area" is generally defined as the disturbance covered by the current reclamation surety. When operations have multiple phases of expansion the disturbed area is usually one of several smaller areas located within the permit area. The permit area boundary and disturbed area boundary can be identical. Please revise the appropriate sections of text in the mine plan and associated maps to include a permit area boundary and disturbed area boundary. The acreage within the disturbed area boundary will need to agree with the acreage covered by the reclamation surety. Changes in the disturbed area description will require making the corresponding changes in the legal description referenced in the reclamation surety. Your proposal to increase the bonding to cover the entire 29.6 acres of ECDC property in Area 3 would be acceptable to the Division, provided ECDC formally revises the current mining and reclamation plan to include this additional area.

The 1993 mine plan included a variance from salvaging topsoil in areas of mining. At the time that plan was approved, the mining in Area 3 was to take place in an area which had been disturbed without first salvaging any topsoil for use in reclamation. Since future mining will take place outside of the old original disturbance, the variance from topsoil salvage requirements does not seem appropriate. Expansion of the disturbance in Area 3 will require topsoil salvage and stockpiling for use in reclamation, unless ECDC can justify why the topsoil salvage variance should still apply.

Your latest response was lacking a reclamation treatments map. Please provide a reclamation treatments map which focuses on the reclamation treatments for the access road and Area 3. A scale of one inch equals 200 feet would be preferred for this map if possible. The same borders and markers shown in the clay mine site map should be included in the reclamation treatments map to allow for easy comparison of the maps. The reclamation treatments shown on this map should match up with the text descriptions in the approved ECDC plan which specifically address sections R647-4-110 Reclamation Plan and R647-4-111 Reclamation Practices of the Minerals Rules. Other features which should be included in this map were mentioned in the Division's June 14, 1999 letter.

The 1993 large mine notice was completed using the form which was current at that time. That notice was based on the situation of continuing mining within an area which had been disturbed without salvaging topsoil. In addition, the company structure and company contacts have changed since the 1993 submission. Please use the information from the currently approved plan (see enclosure) to complete the enclosed copy of our more current version of the Notice of Intention to Commence Large Mining Operations (MR-LMO). If ECDC chooses to increase the permit area to include the entire ECDC property, it would be advantageous to include these new areas in this updated MR-LMO information. The Division would then review this MR-LMO with the increased area as a revised plan. In this update, please

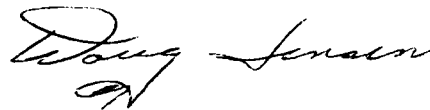
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describe the mining and reclamation activities contemplated for the next five years in this updated information.

If future mining will disturb the drainage located on the northern boundary of the ECDC property please describe how the drainage will be diverted, including mitigation describing where the diversion channel will be placed and how that drainage will be constructed. The diversion channel should be shown on the site map.

Your immediate attention to these matters will be appreciated. Please provide the updated information to the Division by October 22, 1999. If you require additional information to assist you in updating the large mine plan please contact me at (801) 538-5382.

Sincerely,

A handwritten signature in cursive script, appearing to read "Doug Jensen".

Doug Jensen
Reclamation Specialist

jb

Enclosures: "Mine Site Plan for State of Utah, Division of Oil, Gas and Mining,
March 1993" and Notice of Intention to Commence Large Mining
Operations received March 17, 1993; Minerals Rules; form MR-LMO
o:M15-62.rpl